

**FILED**

**JUN 19 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

JUAN DANIEL ZARCO,

Plaintiff - Appellant,

v.

M. YARBOROUGH; et al.,

Defendants - Appellees.

No. 04-57152

D.C. No. CV-04-02966-AHM

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Central District of California  
A. Howard Matz, District Judge, Presiding

Submitted June 12, 2006 <sup>\*\*</sup>

Before: WALLACE, KLEINFELD, and BERZON, Circuit Judges.

Juan Daniel Zarco appeals pro se from the district court's order dismissing his 42 U.S.C. § 1983 action for failure to prosecute. We have jurisdiction under

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

28 U.S.C. § 1291. We review for abuse of discretion, *Al-Torki v. Kaempfen*, 78 F.3d 1381, 1384 (9th Cir. 1996), and we affirm.

The district court did not abuse its discretion by dismissing Zarco's action for failure to prosecute. Zarco failed to file an amended complaint after the court dismissed his original complaint with instructions to amend, and failed to file objections to the Report and Recommendation recommending dismissal. *See id.*; *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992).

**AFFIRMED.**